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LETTER DATED 16 NOVEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to submit to you the attached Declaration of the Presidency of Bosnia and Herzegovina adopted during the appearance of the members of the Presidency of Bosnia and Herzegovina before the Security Council on 15 November 1999. We would like to thank all those who helped us reach this most significant step forward.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

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Annex

New York Declaration

The three members of the Bosnia and Herzegovina Joint Presidency accepted the invitation of the United Nations Security Council to appear before it on the eve of the fourth anniversary of the Dayton Peace Accords. They reaffirmed their commitment to the Dayton Accords, noted the great progress that has been made towards the fulfilment of its goals, and pledged themselves to face squarely the challenges that remain.

The Presidency reaffirmed its commitment to the realization of Bosnia and Herzegovina as a sovereign, fully integrated, and multi-ethnic state with two multi-ethnic entities, while respecting the uniqueness of its three equal constituent peoples. They condemned anti-Dayton forces advocating ethnic hatred and division, affirmed that such views have no place in the politics of Bosnia and Herzegovina, and restated their opposition to all threats to the democratic process.

The Presidency agreed that the future of Bosnia and Herzegovina is as a part of Europe. They further agreed that this will require full integration into European institutions, and the creation of the type of strong, functioning common institutions found in other democratic, European countries.

To move forward towards achieving these goals, the three Presidents:

- Agreed to the establishment of a state border service on the basis of the attached principles and within the framework of the High Representative's efforts.

- Announced the creation of a Permanent Secretariat for the Joint Presidency that will be responsible to the Presidency as a single institution representing the aspirations of all the people of Bosnia and Herzegovina. Agreed that the Secretariat will be composed initially of at least five people from each constituent group, who will be co-located in a single building of the Presidency, and who will be assigned on a full-time basis to, and work exclusively for, the Joint Presidency. The Secretariat will provide continuity for the work of the Presidency by developing working papers, ensuring that decisions of the Presidency are properly staffed and implemented, and serving as a liaison with the Council of Ministers. Agreed further to provide the Secretariat with sufficient resources and personnel to carry out its mandate by 1 March.

- Agreed that full funding of the state ministries is an essential prerequisite for a truly functioning state government and agreed that it must be a top spending priority for the State of Bosnia and Herzegovina. Stated that the structure of the Council of Ministers should be rectified in an accelerated fashion in accordance with the Bosnia and Herzegovina Constituent Court decision and the Madrid Declaration decisions. Agreed to secure the necessary resources for

the full funding of the Ministry of Foreign Affairs, the Ministry of Foreign Trade and Economic Relations, and the Ministry of Civil Affairs and Communications by 1 March.

- Reaffirmed their support for the adoption of the Permanent Election Law, stressing the importance of the consistency of this law with the highest internationally accepted democratic standards, including those of the Council of Europe, and the constitution of Bosnia and Herzegovina.

- Expressed their intention to seek improved inter-entity military cooperation, including through creation of joint units to participate in United Nations peacekeeping operations.

- Agreed that the return of displaced persons and refugees has not been sufficient - particularly in urban areas such as Sarajevo, Banja Luka and Mostar - and that it must be the government's highest priority if Bosnia and Herzegovina is to truly become a stable and prosperous state. Agreed to press the Federation and Republika Srpska to provide additional staffing, funding and proper facilities to their ministries for refugees in order that urban returns can be accelerated. Endorsed the harmonized property laws announced by the High Representative in October 1999 and committed themselves to advocate strongly for their expeditious implementation. Agreed to establish a joint commission of the entities with international representation that will meet regularly to establish refugee return priorities to urban areas and report regularly. In this vein, the commission will submit a report to the United Nations Security Council by 1 March 2000, reporting on progress.

- Agreed that the state government will be responsible for serving as a central database and managing authority for Bosnia and Herzegovina passports, and that the Presidents will propose to the Bosnia and Herzegovina Parliament and strongly support the creation of a single national passport carrying only the name Bosnia and Herzegovina on its cover in both the Cyrillic and Latin scripts.

- Acknowledged that corruption and the lack of transparency are serious problems that block Bosnia and Herzegovina's economic development at all levels. Agreed to support aggressive steps to combat these problems, including full backing for the efforts of the High Representative and cooperation with the Stability Pact's anti-corruption initiative.

Appendix

Principles on the Establishment of a State Border Service

The Joint Presidents agree to support the establishment of a State Border Service (SBS) as specified in the framework put forward by the High Representative, with the understandings set forth below:

- The SBS is a state-level institution, which will be directed by the Ministry of Civil Affairs and Communications. It will be headed by a Director with two Deputies, appointed by the Bosnia and Herzegovina Presidency, and drawn equally from the constituent peoples of Bosnia and Herzegovina. The Director and Deputies shall rotate responsibilities every eight months.

- The SBS shall have only those duties and authorities set forth in the draft law as necessary for the fulfilment of its task of protecting the borders of Bosnia and Herzegovina. These duties shall include in particular:

  - police surveillance of the borders;

  - police control of cross-border traffic as well as prevention of danger within its geographic area of responsibility, including:

    - inspection of border-crossing documents as well as of authorization for crossing the border,

    - apprehension or prevention of non-permitted entry into Bosnia and Herzegovina,

    - search for persons within the border zone.

- The responsibilities of the SBS will extend to 10 km from the international border of Bosnia and Herzegovina, except in those cases where the distance to the entity boundary line is less than 10 km, in which case the responsibilities of the SBS will extend to half the distance from the international border to the entity boundary line.

- The main headquarters of the SBS will be located in Sarajevo. Field offices will be established as required, and will report to SBS headquarters.

- The ethnic composition of the personnel of the SBS shall be based on the 1991 census according to the following criteria:

  - the main headquarters will reflect the Bosnia and Herzegovina-wide distribution;

  - the field offices will reflect the ethnic distribution of the regions or cantons in which they are situated;

- the representation of any one of the constituent peoples of Bosnia and Herzegovina at each office level shall in no event be more than two thirds or less than 10 per cent of total personnel;

- all SBS units will be fully integrated and members of any ethnicity may serve at any point on the border.

The Presidents agree that the SBS legislation pursuant to this agreement will be submitted to the Bosnia and Herzegovina Parliament by 24 November 1999, and that the first units will be deployed by 31 December 1999 regardless.